

PURPOSE

To ensure that Michigan Department of Health and Human Services (MDHHS) workforce members, including contractors, subcontractors, vendors, and agents, protect the privacy of Michigan citizens.

SCOPE

This policy applies to all MDHHS workforce members, including contractors, subcontractors, vendors, and agents that create, collect, process, store, or send Personal Information (PI), Personally Identifiable Information (PII), or Protected Health Information (PHI), under the control of MDHHS. Use only the minimally necessary information. Use only the minimal amount of information to perform required governmental functions, as well as, in conjunction with other applicable federal and state regulatory requirements.

The Department of Technology, Management and Budget (DTMB) policy [2610.01, Data Privacy](#), to ensure agencies implement a privacy management program and processes to facilitate compliance with state and federal laws, regulations, policies, statutes and rules as proscribed in Executive Order 2016-24.

POLICY

All MDHHS workforce members, including contractors, subcontractors, vendors, and agents, with access to Personal Information (PI), Personally Identifiable Information (PII), or Protected Health Information (PHI), must ensure the appropriate use of such information consistent with this privacy policy, MDHHS specific policies and procedures, as well as all State of Michigan (SOM) enterprise policies and procedures.

In compliance with the Michigan Administrative Guide (Ad Guide) and DTMB's Data Privacy policy, MDHHS will use privacy controls catalogued in National Institute of Standards and Technology (NIST), as a guide for protection PI, PII and PHI that is in the possession or control of MDHHS. In combination with DTMB's data privacy policy and NIST, there are *five building blocks* that create a roadmap to implement effective privacy processes and management within MDHHS.

The five building blocks are:

- Access.

- Choice for public outreach, education, and constituent relations.
- Notice for public outreach, education, and constituent relations.
- Security.
- Management.

Access

MDHHS workforce members, including contractors, subcontractors, vendors, and agents must use appropriate administrative, technical and physical safeguards to protect the confidentiality, availability, integrity, privacy and security of PI, PII, and PHI. PI, PII, and PHI will only be disclosed under all applicable federal and state confidentiality laws. MDHHS workforce members, including contractors, subcontractors, vendors and agents must use PI, PII, or PHI only to perform work duties and only disclose the minimal necessary.

MDHHS clients (clients) can request a copy of or inspect their PI, PII, or PHI maintained by MDHHS. A client's request for records must be fulfilled within 30-days. If the request is denied for any reason, a written explanation of denial will be given to the client and will include an opportunity for the client to appeal the denial. Clients can request an amendment, change, or dispute the information in their records that MDHHS maintains.

Clients may request an accounting of disclosures as it pertains to their PHI. The client has the right to receive an accounting of disclosures of PHI made by MDHHS for up to six years from the date that the accounting is requested.

Choice for Public Outreach, Education, and Constituent Relations

MDHHS must inform clients of any choices they have, if any, with respect to the collection, use and disclosure of PI, PII, and PHI. MDHHS must inform clients of any consents, unless a federal or state law says otherwise, that is required before their PI, PII, or PHI is utilized. PI, PII, and PHI is not made available except as allowed by applicable federal and state confidentiality laws.

With respect to the PHI that is maintained by MDHHS, a privacy notice is provided to all clients that are eligible for or enrolled in health-related services offered by MDHHS. The privacy notice is updated and distributed to clients every three years and is made available on the MDHHS public-facing website. The privacy notice explains how MDHHS can use, collect and share PHI it maintains, and the rights clients have in respect to their PHI.

Notice for Public Outreach, Education, and Constituent Relations

MDHHS workforce members, including contractors, subcontractors, vendors, and agents must be made aware of all privacy policies and procedures in place and the purpose for which PI, PII, and PHI is collected, used, maintained and disclosed.

With respect to the PHI that is maintained by MDHHS, a privacy notice is provided to all clients that are eligible for or enrolled in health-related services offered by MDHHS. The privacy notice is updated and distributed to clients every three years and is made available on the MDHHS public-facing website. The privacy notice explains how MDHHS can use, collect and share PHI that it maintains, and the rights clients have in respect to their PHI.

MDHHS privacy policies and procedures, as well as the privacy notice, are publicly available and reviewed on an annual basis.

Security

All PI, PII, and PHI maintained by MDHHS must follow security procedures established by DTMB policies and procedures. MDHHS must use appropriate administrative, technical and physical safeguards to protect the confidentiality, availability, integrity, privacy and security of PI, PII, and PHI. Additionally, there are certain types of PI, PII, or PHI that may be subject to federal or state laws, rules, or regulations or may be subject to specific internal MDHHS policies and procedures.

Management

All MDHHS workforce members, including contractors, subcontractors, vendors, and agents must complete a privacy and security training. The privacy and security training is administered on an annual basis and it includes an assessment. To successfully

complete the training, an 80% or better must be achieved on the assessment. Any individual that does not complete the training within a reasonable time will have their access to any PI, PII, or PHI removed until the training and assessment is complete. All MDHHS workforce members, including contractors, subcontractors, vendors and agents must complete any other data specific trainings or assessments assigned to them through the State or as required by MDHHS specifically.

Sanctions for Policy Violations

All MDHHS workforce members, including contractors, subcontractors, vendors and agents who fail to comply with this policy, SOM policies and procedures and MDHHS policies and procedures may be subject to disciplinary action up to and including dismissal.

Privacy and Security Incidents

All MDHHS workforce members, including contractors, subcontractors, vendors and agents must immediately report any known or suspected inappropriate access to, disclosure of or breach of PI, PII, or PHI to their immediate supervisor and must complete and fill out a DCH-1422, Incident Disclosure Form. Once completed, send this form to the Compliance and Data Governance Office at MDHHSPrivacySecurity@michigan.gov for further review and processing.

REFERENCES

Federal Standards/Regulations:

NIST SP 800-53

State Standards/Regulations:

[MDHHS Policy Manuals](#)

[APL 68A-60 Sanctions](#)

[APL 68A-52 Privacy Officer Procedure](#)

[APL 68B-10 Individual Right to Access Protected Health Information](#)

[APL 68B-40 Individual Right to Amend Protected Health Information](#)

[APL 68B-60 Individual Right to Notice of Privacy Practices](#)

[APL 68E-132 Data Privacy and Security Response and Reporting Procedure](#)

DTMB Administrative Guide to State Government

[2610.01 Data Privacy](#)

CONTACT

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